AGENDA ITEM 7

APPENDIX 2

2019/0080/DET

HRA

HABITATS REGULATIONS APPRAISAL PROFORMA

Cairngorms National Park Authority have undertaken this HRA as the competent authority.

APPRAISAL IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994 AS AMENDED[1] (HABITATS REGULATIONS APPRAISAL)

NATURA SITE DETAILS

Name of Natura site(s) potentially affected:

River Dee SAC

Name of component SSSI if relevant:

Natura qualifying interest(s) & whether priority/non-priority:

Atlantic Salmon, Otter and Freshwater Pearl Mussel

Conservation objectives for qualifying interests:

- Population of the species, including range of genetic types for salmon, as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species
- Distribution and viability of freshwater pearl mussel host species
- Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species

STAGE 1: WHAT IS THE PLAN OR PROJECT?

Proposal title:

Erection of Substation and Installation of buried 11kV cable connecting powerhouse to substation.

Name of consultee:	Balmoral Estates
Name of competent authority:	Cairngorms National Park Authority

Details of proposal (inc. location, timing, methods):

Erection of substation and installation of buried 11kV cable connecting powerhouse to substation, approximately 5km. Majority of route is through agricultural fields except for approximately 300m through wooded areas, 150m lain in an existing track and 200m beneath the gardens at Birkhall.
Location: Western bank of the River Muick a tributary of the River Dee which it joins just upstream of Ballater, N 791153 E 33445.
Timescale: Alongside the main Hydro scheme 2019-2020.
Methods: Cable will be laid in a trench approximately 1.1m deep and 300mm wide in accordance with the guidance of the UK Power Network engineering standard ESC 02-0019.

[1] Or, where relevant, under regulation 61 of The Conservation of Habitats and Species Regulations 2010 as amended, or regulation 25 of The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 as amended.

STAGE 2: IS THE PLAN OR PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO SITE MANAGEMENT FOR NATURE CONSERVATION?

The following points should be considered:
i) Has the effect on <u>all</u> qualifying interests been considered?
ii) Is the proposal part of a fully assessed and agreed management plan?
iii) Is there a clear rationale to justify the connection with the conservation objectives?
iv) If there is a clear connection with the conservation objectives will any benefits arising from the proposal outweigh any negative effects?
v) Have any alternative methods of implementing the proposal been explored to demonstrate that this is the least damaging option?
vi) Give a YES/NO conclusion in terms of whether the plan or project is considered directly connected with or necessary to site management for nature conservation.
*- If **YES** for all elements of a plan or project, for all the Natura qualifying interests (preferably as part of a fully assessed and agreed management plan), then consent can be issued. The rationale should be detailed below and no further appraisal is required (no need to proceed to stage 3 or 4).*
*- If **No** for all Natura qualifying interests then proceed to stage 3.*
*- **If a plan has multiple elements (e.g. a range of policies or management objectives)**, elements of the plan considered directly connected with or necessary to site management for nature conservation should be discussed below and a rationale given for this conclusion. No further appraisal is then required for those elements. All other elements of the plan must proceed to stage 3.*

i. Yes **ii. No** **iii. No** **iv. No** **v. No** **vi. No**

STAGE 3: IS THE PLAN OR PROJECT (EITHER ALONE OR IN COMBINATION WITH OTHER PLANS OR PROJECTS) LIKELY TO HAVE A SIGNIFICANT EFFECT ON THE SITE?

Each qualifying interest should be considered in relation to their conservation objectives. The following points should be considered:
i) Briefly indicate which qualifying interest could be affected by the proposal and how; if none, provide a brief justification for this decision, and then proceed to v), otherwise continue:
ii) refer to other plans/projects with similar effects/other relevant evidence;
iii) consider the nature, scale, location, longevity, and reversibility of effects;
iv) consider whether the proposal contributes to cumulative or incremental impacts in combination with other plans or projects completed, underway or proposed;
v) Where the impacts of a proposal are the same for different qualifying interests these can be considered together however a clear conclusion should be given for each interest
vi) give Yes/No conclusion for each interest.
*- **If yes**, **or** in cases of **doubt**, continue to stage 4.*
*- **If** potential significant effects can easily be avoided, record modifications required below.*
*- **If no** for **all** features, a consent or non-objection response can be given and recorded below (although if there are other features of national interest only, the effect on these should be considered separately). There is no need to then proceed to stage 4.*

Conservation Objectives

- Population of the species, including range of genetic types for salmon, as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species
- Distribution and viability of freshwater pearl mussel host species
- Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species

Freshwater Pearl Mussel
The proposal could cause direct harm to freshwater pearl mussels through the release of sediment laden surface water into the watercourse which could smother FWPM colonies in the vicinity of the scheme and downstream. Pollution run off (i.e fuel/oil spill) can reducing water quality causing direct harm.

- FWPM survey undertaken 2017 along survey route, and additional 100m upstream and 500m downstream. No dead or alive individuals were found.

Conclusion: Fresh water pearl mussel not considered to be present within the affected part of the river or within 500m downstream of the affected part of the river. Therefore, *No Likely Significant Effect*

Atlantic Salmon
The burial of the cable and construction of the substation could potentially cause direct harm to salmon spawning sites from release of sediments during construction works and potential pollution run off (i.e fuel/oil spill) reducing water quality.

Conclusion: *Likely Significant Effect Alone or in Combination*

Otter
The proposal could cause direct harm to otters if there are holts along the cable route. The nature of the works has the possibility to entrap otters within construction trenches or destroy holt sites. Project construction activities could cause disturbance to otter. Sediment release or pollution run off into the watercourse could impact on feeding.

- Otter survey undertaken 2017, no holts or rest sites identified but signs of foraging otter along the proposed scheme length which shows they are active in the area and may be disturbed by works or become trapped within pipes or trench workings.

Conclusion: *Likely Significant Effect from construction and operation of the scheme*

Mitigation or modifications required to avoid a likely significant effect & reasons for these:

Mitigation:	*Reason:*

STAGE 4: UNDERTAKE AN APPROPRIATE ASSESSMENT OF THE IMPLICATIONS FOR THE SITE IN VIEW OF ITS CONSERVATION OBJECTIVES
(It is the responsibility of the competent authority to carry out the appropriate assessment. The competent authority must consult SNH for the purposes of carrying out the appropriate assessment. SNH can provide advice on what issues should be considered in the appropriate assessment, what information is required to carry out the assessment, in some circumstances carry out an appraisal to

inform an appropriate assessment and/or provide comments on an assessment carried out. Where we are providing advice to a competent authority our appraisal of the proposal should be recorded here.)

The following points should be considered:
i) Describe for each qualifying interest the potential impacts of the proposal detailing which aspects or effects of the proposal could impact upon them and their conservation objectives.
ii) Evaluate the potential impacts, e.g. whether short/long term, reversible or irreversible, and in relation to the proportion/importance of the interest affected, and the overall effect on the site's conservation objectives. This should be in sufficient detail to ensure all impacts have been considered and sufficiently appraised. Record if additional survey information or specialist advice has been obtained.
iii) Each conservation objective should be considered and a decision reached as to whether the proposal will affect achievement of this objective i.e. whether the conservation objective will still be met if the proposal is consented to.

Atlantic Salmon

Conservation Objectives

1. Population of the species, including range of genetic types for salmon, as a viable component of the site
2. Distribution of the species within site
3. Distribution and extent of habitats supporting the species
4. Structure, function and supporting processes of habitats supporting the species
5. No significant disturbance of the species

1&2: Population & Distribution of the species within site

Potential impacts:

- Sediment laden run off entering watercourse which can smother gravels used for spawning. Pollution (fuel/oil) from vehicles can reduce water quality.

Proposed Mitigation

- A Pollution Prevention Plan has been produced and included within the Construction Method Statement which details methods including installation of silt traps, cut off drains, bunded fuel storage area, and inspection of vehicles along with provision of spill kits.

Conclusion: No likely significant effect on population and distribution of Atlantic Salmon within the site.

3: Distribution and extent of habitats supporting species

Potential impacts:

Sediment laden run off entering watercourse which can smother gravels used for spawning. Pollution (fuel/oil) from vehicles can reduce water quality.

Proposed Mitigation

- A Pollution Prevention Plan has been produced and included within the Construction Method Statement which details methods including installation of silt traps, cut off drains, bunded fuel storage area, and inspection of vehicles along with provision of spill kits.

Conclusion: No likely significant effect on distribution and extent of habitats supporting species

4: Structure, function and supporting processes of habitats supporting the species

Potential release of silt and sediments and pollution from vehicles which can smother gravels used for spawning and reduce water quality.

Potential impacts:

Sediment laden run off entering watercourse which can smother gravels used for spawning. Pollution (fuel/oil) from vehicles can reduce water quality.

Proposed Mitigation

- A Pollution Prevention Plan has been produced and included within the Construction Method Statement which details methods including installation of silt traps, cut off drains, bunded fuel storage area, and inspection of vehicles and provision of spill kits.

Conclusion: No likely significant effect on* Structure, function and supporting processes of habitats supporting *Atlantic Salmon within the site.

5: No significant disturbance of the species

Potential impacts:

The proposal has the potential to cause disturbance from working on the banks close to the river including release of silt and sediments and pollution from vehicles which can smother gravels used for spawning.

Proposed Mitigation

- A Pollution Prevention Plan has been produced and included within the Construction Environmental Management Plan which details method including installation of silt traps, inspection of vehicles and timing of working to avoid sensitive periods.

Conclusion: No likely significant disturbance of Atlantic Salmon.

Otter

Conservation Objectives

- Population & distribution of the species
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

1&2 Population and distribution of otter within the site

Potential impacts:

Potential for the proposal to cause entrapment and harm to otter during construction. Sediment laden run off or pollutant run off (fuel /oil) could impact on otter ability to find food by clouding up the water or reducing prey item availability if impacted on by a pollution event.

Proposed mitigation

- A pre-construction survey to take place before works start
- An ECoW will be on call if any resting sites are detected, all personnel to be made aware otters are active in the area
- Construction will avoid night works and will only be operational between 7.00 and 19.00 or one hour before or after dusk whichever is soonest
- All open excavations will be ramped to allow otter and other species to escape or closed over
- All exposed pipes with a diameter greater than 3" will be capped before left unattended to avoid otter entrapment
- No construction materials with sharp ends which could cause harm to otters will be left overnight
- A Pollution Prevention Plan has been produced and included within the Construction Method Statement which details methods including installation of silt traps, cut off drains, bunded fuel storage area, and inspection of vehicles and provision of spill kits

Conclusion: No Likely Significant Effect on otter population and distribution within the site

3: Distribution and extent of habitats supporting otter

Potential impacts:

Potential for the proposal to cause harm to otter resting sites during construction. Sediment laden run off or pollutant run off (fuel /oil) could impact on otter ability to find food by clouding up the water or reducing prey item availability if impacted on by a pollution event.

Proposed mitigation

- A pre-construction survey to take place before works start
- An ECoW will be on call if any resting sites are detected, all personnel to be made aware otters are active in the area
- Construction will avoid night works and will only be operational between 7.00 and 19.00 or one hour before or after dusk whichever is soonest. A Pollution Prevention Plan has been produced and included within the Construction Method Statement

which details methods including installation of silt traps, cut off drains, bunded fuel storage area, and inspection of vehicles and provision of spill kits
- All measures within the Species Protection Plan incorporated into the Construction Method Statement

Conclusion: No Likely Significant Effect on distribution and extent of habitats supporting otter

4: Structure, function and supporting processes of habitats supporting otter

Potential impacts:

Potential for the proposal to cause harm to otter resting sites during construction. Sediment laden run off or pollutant run off (fuel /oil) could impact on otter ability to find food by clouding up the water or reducing prey item availability if impacted on by a pollution event.

Proposed mitigation

- A pre-construction survey to take place before works start
- An ECoW will be on call if any resting sites are detected, all personnel to be made aware otters are active in the area
- Construction will avoid night works and will only be operational between 7.00 and 19.00 or one hour before or after dusk whichever is soonest. A Pollution Prevention Plan has been produced and included within the Construction Method Statement which details methods including installation of silt traps, cut off drains, bunded fuel storage area, and inspection of vehicles and provision of spill kits
- All measures within the Species Protection Plan incorporated into the Construction Method Statement

Conclusion: No Likely Significant Effect on Structure, function and supporting processes of habitats supporting otter

5: No significant disturbance of otter

The mitigation described above will ensure there is no disturbance to otter during construction

Conclusion: No Likely Significant disturbance of otter

Overall Conclusion: There will be No Likely Significant Effect on otter arising from this proposal

STAGE 5: CAN IT BE ASCERTAINED THAT THE PROPOSAL WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE SITE?

In the light of the appraisal, ascertain whether the proposal will not adversely affect the integrity of the site for the qualifying interests. Conclusions should be reached beyond reasonable scientific doubt. If more than one SAC and/or SPA is involved, give separate conclusions. If mitigation or modifications are required, detail these below.

It can be concluded that there will be no adverse effect on site integrity resulting from this proposal.

Mitigation or modifications required to ensure adverse effects are avoided, & reasons for these.

Mitigation: See above	*Reason:*

ADVICE SOUGHT

Buried Cable Construction Method Statement, (Grant Ltd, 2019)
Otter Species Protection Plan , May 2018

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